

REMARKS

Applicant has cancelled claims 17, 19 and 30-47, and submitted new claims 48-135.

The Applicant thanks the Examiner for his efforts and especially for the reference providing the explanations regarding preferred descriptive language for uniform resource locators (URLs). The Applicant has adopted this preferred language so that the term "domain name" described in the specification is hereby referred to as a domain portion of a URL in the pending claims.

The new claims address the Section 112 issue raised in the Office Action and are written to more clearly overcome the cited references.

Perhaps some introductory comments about the system described in the present application would be helpful when considering the cited prior art. The system is for presenting tailored store screens including customized selection screens for merchandise and/or services over a computer network utilizing a host computer communicatively linked to one or more remote computers used by shoppers. The illustrated embodiment of the host computer includes a shopper data collector, a shopper database, a store database, a merchandise database, a services database, a presentation formulator, and a web server optionally serving many store sites with overlapping product lines. As one of the remote computers is in current communication with the host computer, the customer data collector collects and analyzes data from the remote computer including search requests, uniform resource locators (URLs), and hidden data. The shopper is generally unaware that the hidden data is being collected by the shopper data collector and includes cookie data stored on the remote computer of previous shopping events such as previous purchases, search requests, and URLs previously visited. Information based upon the data collected by the shopper data collector is stored in the shopper database for subsequent use and is also sent to the presentation formulator. The presentation formulator formulates tailored store screens including customized selection screens for merchandise and/or services based upon data collected in the current communication and stored in the shopper, store,

merchandise, and services databases. These and other aspects of the system, in various combinations, are recited in the claims.

Certain of the claims will now be discussed by way of example with only brief, if any, comments being made to other claims. Applicant reserves his right to provide further discussion and argument with respect to all claims should such be necessary.

Claim 48 recites a host system communicatively linked to remote computers of shoppers. The host system comprising at least one of a merchandise database configured to store information associated with merchandise for sale to the shoppers, and a services database configured to store information associated with services for sale to the shoppers. The significant distinctions are found in the recitation of the shopper data collector and the presentation formulator.

In particular, the shopper data collector is configured to collect and analyze data from the remote computers of shoppers to determine information usable to formulate tailored store screens for shoppers, including for a current communication with the host system by each shopper, data from the shopper's computer collected and analyzed during the current communication from which the shopper data collector determines for the current communication. This is without the host system requiring the shopper to take any direct action to instruct the shopper's computer to provide such information to the host system and without the host system having such information prior to the current communication. The particular data collected and analyzed from the remote computer of the shopper during the current communication and used to formulate tailored store screens for the shopper for the current communication is used to determine (a) the search request the shopper entered into the shopper's computer to navigate to the host system to initiate the current communication, (b) the prior web site from which the shopper navigated to the host system to initiate the current communication and (c) the software installed on the shopper's computer at the time of the current communication. No cited prior art utilizes all three types of data to formulate tailored store screens for a shopper, especially where the data is collected and analyzed for a current communication during the current communication without the host system requiring the shopper to take any direct action to instruct the shopper's

computer to provide such information to the host system and without the host system having such information prior to the current communication.

Claim 48 further recites that the presentation formulator is configured to formulate tailored store screens to be displayed on the remote computers of shoppers, including for the current communication by the shopper, and that it formulates one or more tailored store screens to be displayed on the shopper's computer during the current communication with the tailored store screens being formulated by including and excluding selected information in at least one of the merchandise and services databases at least in part based upon all three of (a) the search request the shopper entered into the shopper's computer to navigate to the host system to initiate the current communication, (b) the prior web site from which the shopper navigated to the host system to initiate the current communication and (c) the software installed on the shopper's computer at the time of the current communication, as determined by the shopper data collector. The presentation formulator uses the data of all three of the types collected and analyzed by the shopper data collector to both include and exclude selected information in at least one of the databases, and does not simply include all information in the database, and the selection is made based on the data of the three types. No cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in claim 48.

Claim 48 also recites a web server configured to communicate with the remote computers of shoppers and to send the tailored store screens to the remote computers.

Dependent claim 49 recites that at least one of (a) the search request the shopper entered into the shopper's computer to navigate to the host system to initiate the current communication, (b) the prior web site from which the shopper navigated to the host system to initiate the current communication and (c) the software installed on the shopper's computer at the time of the current communication, as determined by the shopper data collector, which as noted above was all obtained without the host system requiring the shopper to take any direct action to instruct the shopper's computer to provide such information to the host system and without the host system having such

information prior to the current communication, is used by the shopper data collector to determine for the current communication particular traits, habits or interests of the shopper or other pertinent shopper information, then used by the presentation formulator to formulate the one or more tailored store screens to be displayed on the shopper's computer during the current communication. No cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in the combination of claims 48 and 49.

Claim 50 recites that the presentation formulator of claim 48 formulates the one or more tailored store screens to be displayed on the shopper's computer during the current communication to contain at least one of a direct response advertisement area and an impulse advertisement area, containing information on at least one of merchandise and services related at least in part to at least one of (a) the search request the shopper entered into the shopper's computer to navigate to the host system to initiate the current communication, (b) the prior web site from which the shopper navigated to the host system to initiate the current communication and (3) the software installed on the shopper's computer at the time of the current communication, as determined by the shopper data collector, which as noted above was all obtained without the host system requiring the shopper to take any direct action to instruct the shopper's computer to provide such information to the host system and without the host system having such information prior to the current communication. No cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in the combination of claims 48 and 50.

Claim 51 recites that at least one of (a) the search request the shopper entered into the shopper's computer to navigate to the host system to initiate the current communication, (b) the prior web site from which the shopper navigated to the host system to initiate the current communication and (c) the software installed on the shopper's computer at the time of the current communication, as determined by the shopper data collector, which as noted above was all obtained without the host system requiring the shopper to take any direct action to instruct the shopper's computer to provide such information to the host system and without the host system having such

information prior to the current communication, is provided in the Referrer header field and the User-agent header field of the HTTP header. No cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in the combination of claims 48 and 51.

Claims 52-66 recite various combinations of the types of shopper data collected and analyzed by the shopper data collector from the remote computer of the shopper during the current communication to determine information usable to formulate tailored store screens for the shopper for the current communication with the host system. No cited prior art, alone or in combination, shows the arrangements or the capabilities now recited in these claims.

Claim 67 differs from the claims discussed above in some ways in that it recites that the particular data collected and analyzed from the remote computer of the shopper during the current communication and used to formulate tailored store screens for the shopper for the current communication is used to determine for the current communication the location of the shopper's computer at the time of the current communication, again without the host system requiring the shopper to take any direct action to instruct the shopper's computer to provide such information to the host system and without the host system having such information prior to the current communication.

Claim 67 further recites that the presentation formulator formulates one or more tailored store screens to be displayed on the shopper's computer during the current communication by including and excluding selected information in at least one of the merchandise database and the services database at least in part based upon the location of the shopper's computer at the time of the current communication, as determined by the shopper data collector. No cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in claim 67.

Claims 68-71 recites these elements of claim 67 with the shopper data collector and the presentation formulator configured to operate using the location of the shopper's computer at the time of the current communication in combination with one or more of (a) the search request the shopper entered into the shopper's computer to navigate to the host system to initiate the current communication, (b) the prior web site from which

the shopper navigated to the host system to initiate the current communication and (c) the software installed on the shopper's computer at the time of the current communication. Again, the data being collected and analyzed by the shopper data collector from the remote computer of the shopper during the current communication to determine information usable to formulate tailored store screens for the shopper for the current communication with the host system. No cited prior art, alone or in combination, shows these arrangements or the capabilities now recited in these claims.

Claims 72-75 add additional details concerning the host system of claim 67 and no cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in the combination of these claims with claim 67. For brevity, these claims will not be further discussed at this time but Applicant reserves his right to do so should such become necessary.

Claim 76 differs from the claims discussed above in some ways in that it recites that the particular data collected and analyzed from the remote computer of the shopper during the current communication and used to formulate tailored store screens for the shopper for the current communication is used to determine for the current communication the domain name used by the shopper to navigate to the host system to initiate the current communication, again without the host system requiring the shopper to take any direct action to instruct the shopper's computer to provide such information to the host system and without the host system having such information prior to the current communication.

Claim 76 further recites that the presentation formulator formulates one or more tailored store screens to be displayed on the shopper's computer during the current communication by including and excluding selected information in at least one of the merchandise database and the services database at least in part based upon the domain name used by the shopper to navigate to the host system to initiate the current communication, as determined by the shopper data collector. No cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in claim 76.

Dependent claim 77 recites that the data collected and analyzed by the shopper data collector from the shopper's computer to determine information usable to

formulate the one or more tailored store screens to be displayed on the shopper's computer during the current communication further includes at least one other domain name used by the shopper to navigate to the host system to initiate a communication prior to the current communication, and wherein the one or more tailored store screens to be displayed on the shopper's computer during the current communication are formulated by the presentation formulator to include information in at least one of the merchandise database and the services database at least in part based upon the domain name used by the shopper to navigate to the host system to initiate the current communication and at least in part based upon the other domain name used by the shopper to navigate to the host system to initiate a communication prior to the current communication, as determined by the shopper data collector. No cited prior art, alone or in combination, shows such an arrangement using two domain names used by the shopper to navigate to the host system, one used by the shopper to initiate the current communication and another one used by the shopper to initiate a communication prior to the current communication, or the capabilities now recited in the combination of claims 76 and 77.

Claims 78-84 add additional details concerning the host system of claim 76 and no cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in the combination of these claims with claim 76. For brevity, these claims will not be further discussed at this time but Applicant reserves his right to do so should such become necessary.

Claim 85 is somewhat similar to claim 76 but further recites, in addition to the merchandise and services databases, a store database configured to store information associated with electronic commerce stores providing merchandise and services targeting specific overlapping market segments and providing overlapping product lines, with the electronic commerce stores being distinguished by domain names. The presentation formulator of claim 85 is recited as not only having the one or more tailored store screens formulated by including and excluding selected information in at least one of the merchandise database and the services database at least in part based upon the domain name used by the shopper to navigate to the host system to

initiate the current communication, as determined by the shopper data collector, but also as having the one or more tailored store screens formulated by including and excluding selected information in at least one of the merchandise database and the services database at least in part based upon the information stored in the store database associated with the electronic commerce stores. No cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in claim 85.

Dependent claim 86 recites that the data collected and analyzed by the shopper data collector from the shopper's computer to determine information usable to formulate the one or more tailored store screens to be displayed on the shopper's computer during the current communication further includes at least one other domain name used by the shopper to navigate to the host system to initiate a communication prior to the current communication. No cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in the combination of claims 85 and 86.

Claims 87-91 add additional details concerning the host system of claim 85 and no cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in the combination of these claims with claim 85. For brevity, these claims will not be further discussed at this time but Applicant reserves his right to do so should such become necessary.

Claim 92 differs in some ways from the claims discussed above, and recites a system to provide information regarding at least one of merchandise and services to each of a plurality of computers via at least one communication session through a network, each of the computers having a network address used to address each computer on the network. The system is recited as including a data collector configured to determine, from data transmitted from one of the computers to the system during a current communication session, the identity of the network address of the computer, and further configured to determine, through use of the identity of the network address, additional information about the computer that is in addition to the identity of the computer's network address, again without need of a communication session between the system and the computer occurring prior to the current communication session and without need of the computer furnishing any portion of the additional information about the

computer to the system. Claim 92 also recites a presentation formulator configured to select, based at least in part upon the additional information about the computer determined by the data collector, data regarding at least one of merchandise and services from a database to be included in at least one tailored screen to be displayed on the computer during the current communication session with the system.

Claims 93-98 add additional details concerning the host system of claim 92 and no cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in the combination of these claims with claim 92. For brevity, these claims will not be further discussed at this time but Applicant reserves his right to do so should such become necessary.

Claim 99 differs in some was from the claims discussed above, and recites a system having a web site including a first web page, the first web page being configured to be displayed first by a computer when the web site is accessed by the computer through use of any one of a plurality of uniform resource locators (URLs) having different domain portions and without directory portions, the URLs to be generally used by a plurality of users to access the first web page via a plurality of networked computers without exclusive assignment of each of the URLs to individual users. The system is further recited to include a database configured to store a plurality of data records including a first database record and a second database record, the first and second database records containing information regarding at least one of the following: merchandise and services. Also, a data collector configured to analyze domain portions of the URLs to determine which domain portion was used by one of the networked computers to access the first web page for a current communication between the networked computer and the system. In claim 99 the presentation formulator is configured to select a first selection of the plurality of database records from the database based at least in part upon the data collector determining that a first domain portion was used by the networked computer to access the first web page, and further configured to select a second selection of the plurality of database records from the database based at least in part upon the data collector determining that a second domain portion was used by the networked computer to access the first web page, with

the first domain portion and the second domain portion being different. The presentation formulator is also configured to formulate the first web page to contain information regarding at least one of merchandise and services from the selected one of the first selection and the second selection of the plurality of database records, with the first selection of the plurality of database records containing the first database record and the second database record, and the second selection of the plurality of database records containing the first database record and not containing the second database record. No cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in claim 99.

Claims 100-105 add additional details concerning the host system of claim 99 and no cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in the combination of these claims with claim 99. For brevity, these claims will not be further discussed at this time but Applicant reserves his right to do so should such become necessary.

Claim 106 recites a system having a web site including a first web page, the first web page configured to be displayed by a computer when the computer performs a current access of the web site via a network through use of a uniform resource locator (URL) without a directory portion, and a database configured to store information regarding at least one of merchandise and services. In claim 106 the data collector is configured to analyze data received from the computer during the current access of the web site to determine search terms used in a search engine prior to the current access but without need for the computer to have previously performed an access of the web site prior to the current access of the web site. The presentation formulator of claim 106 is configured to formulate the first web page to contain a selected portion of the information regarding at least one of merchandise and services stored in the database with the selected portion based at least in part on the search terms determined by the data collector.

Claims 107-108 add additional details concerning the host system of claim 106 and no cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in the combination of these claims with claim 106. For brevity,

these claims will not be further discussed at this time but Applicant reserves his right to do so should such become necessary.

Claim 109 recites a system having a web site including a first web page, the first web page configured to be displayed by a computer when the computer performs a current communication session with the system to access the web site via a network through use of a uniform resource locator (URL) without a directory portion, and a database configured to store information regarding at least one of merchandise and services. In claim 109, however, the data collector is configured to perform an analysis on data within a referrer portion of a HyperText Transport Protocol portion of the current communication received from the computer to determine information related to the computer and without need for the computer to have previously conducted a communication session with the system prior to the current communication session. The presentation formulator is configured to formulate the first web page to contain a selected portion of the information regarding at least one of merchandise and services stored in the database, with the selected portion based at least in part on the analysis on data within the referrer portion performed by the data collector. No cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in claim 109.

Claim 110 is somewhat similar to claim 109, but the data collector is configured to analyze data contained within a HyperText Transport Protocol (HTTP) portion of the current communication session received from the computer by the system and therefrom determine a portion of software installed and configured to operate on the computer and to do so without need of a communication session between the computer and the system occurring prior to the current communication session and without need of the system requiring the user of the computer to take any direct action to instruct the computer to identify the portion of software installed and configured to operate on the computer. In claim 110 the presentation formulator formulates the first web page to contain a selected portion of the information regarding at least one of merchandise for sale and services for sale stored in the database, with the selected portion based at least in part on the software portion installed and configured to operate on the

computer, as determined by the data collector. No cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in claim 110.

Claims 111-112 add additional details concerning the host system of claim 110 and no cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in the combination of these claims with claim 110. For brevity, these claims will not be further discussed at this time but Applicant reserves his right to do so should such become necessary.

Claims 113-134 are very similar to certain of the claims discussed above, but written in more detailed form and in dependent string fashion, so for brevity they will not be further discussed at this time but Applicant reserves his right to do so should such become necessary. No cited prior art, alone or in combination, is believed to show the arrangement or the capabilities recited in these claims. For brevity, these claims will not be further discussed at this time but Applicant reserves his right to do so should such become necessary.

Claim 135 is very similar in many ways to claim 48 except it recites a shopper data collector configured to collect and analyze data from the shopper's computer collected and analyzed during the current communication from which the shopper data collector determines for the current communication at least two of (a) the search request the shopper entered into the shopper's computer to navigate to the host system to initiate the current communication, (b) the prior web site from which the shopper navigated to the host system to initiate the current communication and (c) the software installed on the shopper's computer at the time of the current communication, and does so without the host system requiring the shopper to take any direct action to instruct the shopper's computer to provide such information to the host system and without the host system having such information prior to the current communication. The presentation formulator formulates tailored store screens to be displayed on the shopper's computer during the current communication by including selected information but less than all information in the at least one database at least in part based upon the at least two determined data from the shopper's computer collected and analyzed during the current communication by the shopper data collector determines for the

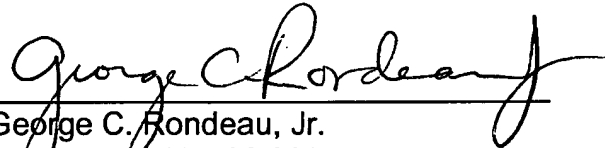
current communication. No cited prior art, alone or in combination, shows such an arrangement or the capabilities now recited in claim 135.

On another note, the Applicant respectfully submits that under the MPEP standards, any alleged motivation to combine or modify prior art references must be objectively verifiable. MPEP 2142, 2143. The Applicant respectfully points out that nowhere has the Office Action pointed to any objectively verifiable motivation to modify and/or combine the teachings of the art of record beyond bare assertions. Accordingly, Applicant respectfully traverses such bare assertions. If the Examiner is so inclined to assert alleged motivations to combine or modify prior art references in any subsequent office actions, the Applicant respectfully requests that either objectively verifiable evidence or an affidavit setting forth the objectively verifiable evidence of such motivation to combine or modify be provided.

The Applicant has reviewed the prior art of record and believes that the newly added claims stand in condition for allowance.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 628-7739.

Respectfully submitted,
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